IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL CONTEMPT PETITION NO.8 OF 2002

Shri.Vijay Pandurang Jadhav .. Petitioner
V/s
Padmashree Annasaheb Jadhav Bharatiya
Samaj Unnati Mandal and Ors. .. Respondents

Mr.M.S.Lagu for the Petitioner.
Mr.B.H.Mehta, APP for the State.

CORAM : B.H.MARLAPALLE & NARESH H.PATIL,JJ.
DATE : 25th September, 2006.

P.C.:

1. Heard Mr.Lagu, the learned Counsel for the petitioner. It is claimed that the writ petition No.2316 of 2000 was decided by this Court on 3.5.2000 and it was allowed by setting aside the impugned suspension order issued against the petitioner. However, the Respondents, office bearers of the management as well as the headmaster claimed that this Court while setting aside the order of suspension had directed the petitioner not to enter the School premises until the application made by the Respondents to the Education Officer is disposed off. This operative part of the order is substantially different from the order which is claimed to have been passed, and the learned Counsel has also placed before us the certified true copy of the order dated 3.5.2000.

2. Though we are satisfied that the order claimed to have been passed was not the order actually passed, the Petitioner’s contention that the Contempt Petition

No.170/2000 was filed on the basis of such a fabricated order amounts to contempt of court within the meaning of Section 2(c) of the Contempt of Courts Act, 1971, cannot be accepted as at present. The Contempt Petition No.170/2000 came to be withdrawn and the same was disposed off as such on 9.1.2001 by the learned Single Judge of this Court and this contempt petition has been filed on 24.6.2002. We therefore do not have any doubt in our mind that on the date this contempt petition was filed, the Contempt Petition No.170/2000 was not on the file of this Court and therefore, it would not be permissible for the petitioner to claim now that the Respondents committed contempt within the meaning of Section 2(c) of the Contempt of Courts Act, 1971. We do not see any prima-facie case to take cognizance of the petitioner's allegation at this stage. Hence, the contempt petition is rejected.

(NARESH H.PATIL,J.) **(B.H.MARLAPALLE, J.)**